

Remarks

The present application includes claims 1-11 and 29. Claims 1-11 and 29 have been rejected. By this Response, claim 1 has been amended to incorporate the limitations of dependent claim 7, and claim 8 has been amended to depend directly from claim 1 rather than from claim 7.

Claims 1-11 and 29 are rejected under 35 USC 103(a) as being unpatentable over Stone (U.S. Patent No. 5,947,821) in view of Olsen (U.S. Patent No. 6,110,043). The Applicant respectfully traverses this rejection for at least the reasons set forth below.

Stone relates to a card game apparatus wherein the player selects a card to be designated as a wild card and is then dealt a random first hand. The player may then have the option of replacing cards in the first hand with cards remaining in the deck. The player is also provided with an option of buying a second wild card after a losing card hand in an attempt to change the losing hand into a winning hand. After a winning hand, the player is provided with a double or nothing option. See, e.g., Stone at Abstract and col. 5, line 66 – col. 7, line 55 and Figs. 4-9. A progressive wager may also be made via a separate progressive bet button 51. See, e.g., col. 5, lines 34-35 and Fig. 3.

Olsen relates to a progressive gaming method for a plurality of gaming machines wherein a bonus mode activation value is randomly selected between a high and low limit. A current value is provided such that the current value is incremented based on play at the connected gaming machines. A bonus mode time period is entered when the current value is equal to or exceeds the bonus mode activation value. Eligible machines are locked in and random bonus jackpots are made during the bonus time period until the current value is less

than or equal to a base value. See, e.g., Olsen at Abstract, col. 3, lines 35-44 and col. 3, line 50 – col. 4, line 5.

In contrast, the presently pending claims, as amended, recite that the selector enables a player to select from a range of additional features to enable the player to tailor the game to the player's requirements prior to commencement of the base game. While Stone may disclose different features that may be offered to a player, Stone does not present the player with the range of options prior to commencement of the base game and then allow the player to choose the feature or features according to the player's requirements, desires, or goals for the game. Olsen similarly fails to provide these limitations.

The gaming machine as currently claimed allows a player to construct or customize his or her own game playing experience through selection of features from the range of features based on the additional bet. This gaming machine provides flexibility not found in the machines of the cited art and allows a player to adjust odds of producing a win and/or otherwise affect the outcome of game play through selection of features in the range of features, including a player favorable variation in the available outcomes and eligibility for award of one or more feature games. These options are provided and selected based on an additional bet prior to commencement of the base game.

Thus, for at least these reasons, the Applicant respectfully submits that independent claim 1 and its dependent claims 2-6, 8-11, and 29 should be allowable over the cited art of record.

Claim 9 is rejected under 35 USC 103(a) as being unpatentable over Stone in view of Olsen and further in view of Itkis (U.S. Patent No. 4,856,787). The Applicant respectfully

traverses this rejection for at least the reasons set forth above with respect to independent claim 1 as well as the additional reasons below.

As discussed above, neither Stone nor Olsen, taken alone or in combination, teaches, motivates, or reasonably suggests the combination of limitations recited in independent claim 1, from which claim 9 depends.

Itkis relates to a distributed game network including a master game device and a number of slave game devices. The slave game device may play concurrently a number of menu selectable card and chance games. The slave device receives commands and random values for game play from the master device and sends local game status and accounting information to the master game device. See, e.g., Itkis at Abstract and col. 1, lines 41-53.

While Itkis discloses selecting from a menu of card and chance games at a slave game device for play from a master game device, its disclosure fails to disclose a selector allowing a player to select from a range of features based on an additional bet prior to commencement of a base game, as recited in amended independent claim 1. Since independent claim 1 should be allowable over a combination of these references, the Applicant submits that dependent claim 9 should also be in condition for allowance.

An action to that affect is respectfully requested.

CONCLUSION

It is submitted that the present application is in condition for allowance and a Notice of Allowability is respectfully solicited. If the Examiner has any questions or the Applicant can be of any assistance, the Examiner is invited and encouraged to contact the Applicant at the number below.

The Commissioner is authorized to charge any additional fees or credit overpayment to the Deposit Account of MHM, Account No. 13-0017.

Respectfully submitted,

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/Christopher N. George/
Christopher N. George
Reg. No. 51,728

McAndrews, Held & Malloy, Ltd.
500 W. Madison Street
34th Floor
Chicago, IL 60661
Phone (312) 775-8000
Fax (312) 775-8100